

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

KIERAN RAVI BHATTACHARYA,

Plaintiff,

v.

JAMES B. MURRAY, JR., *et al.*,

Defendants.

CASE NO. 3:19-cv-00054

ORDER

JUDGE NORMAN K. MOON

Order to Show Cause

This Order pertains to the contents of Plaintiff Kieran Ravi Bhattacharya’s response to Defendants’ motion for summary judgment and his Motion to Compel. Dkt. 463, 495. After having been warned by this Court to strike improper details relating to Plaintiff’s ex-girlfriend from his proposed Second Amended Complaint,¹ Plaintiff and his counsel have again included gratuitous details about that non-party’s personal and medical information in pleadings before this Court. What is more, Plaintiff and his counsel did not file their pleadings under seal—instead filing on the public-facing docket—despite the Protective Order in this case.

The Protective Order, Dkt. 150, covers both the disclosure and use of confidential information in this case. It pertains to, *inter alia*, “any personal information, the disclosure of which could violate individual privacy rights,” which plainly covers a non-party’s sensitive health information.

¹ See Dkt. 230 (Magistrate Judge Hoppe’s Report & Recommendation suggesting that this Court strike all details relating to a non-party from the Second Amended Complaint); Dkt. 324 (memorandum opinion and order adopting the R&R).

Fed. R. Civ. P. 11(b)(1) states that “[b]y presenting to the court a pleading, written motion, or other paper . . . an attorney or unrepresented party certifies to the best of the person’s knowledge, information, and belief, formed after an inquiry reasonable under the circumstances [that] . . . it is not being presented for any improper purpose, such as to harass[.]”

Given Plaintiff and his counsel’s now-repeated, apparent attempts to embarrass a non-party witness through public pleadings in this case, their apparent disregard of the Protective Order, and their apparent disregard for this Court’s past admonitions on this issue, Plaintiff and his counsel are ordered to **SHOW CAUSE** by 5:00 p.m. on Friday, August 19, 2022 why this Court should not impose sanctions under Rule 11(c)(3). In addition, the motion to seal at Dkt. 507 is hereby **GRANTED**, and the non-party’s counsel is invited to make a motion for costs and reasonable attorney’s fees pertaining to her motion to seal. The Court will not set a deadline for that motion at this time. The non-party may also respond to this Order by the same deadline as set for Plaintiff—5:00 pm. on Friday, August 19—if she so chooses.

It is so **ORDERED**.

The Clerk of Court is directed to deliver a copy of this Order to all counsel of record.

Entered this 15th day of August 2022.



NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE